

ACCOMPANYING LABELING: Counter display placards entitled "Higher Protein Potency Thompson's Proten," and "Don't Be Old at 40 Be Young at 60"; window banners entitled "Thompson's Proten A High Protein Supplement" and "Stop 'Slow Down' Over 40 Thompson's Geriatric Liquid"; leaflets entitled "Powder and Tablets Containing All the Essential Amino Acids Thompson's Protein"; window display sheets entitled "Thompson's Increased Vitality & Vigor For People Over 40"; pamphlets entitled "Stop 'Over 40' Slow Down Thompson's Geriatric Liquid & Tablets"; and newspaper mats reading in part "Men and Women 40 to 85 Stop That Over 40 Slow Down."

LIBELED: 3-31-61, E. Dist. Mo.

CHARGE: Proten V powder and Proten A powder, 403(a)—when shipped, the labels of the articles contained statements which represented and suggested that the articles were a high protein concentrate, and that the Proten V powder was four times higher in protein content than meat, which statements were misleading, since the articles would not supply a significant amount of protein under the recommended directions for special dietary use, and since the articles were compared with meat on a basis other than as such foods were consumed; and 403(j)—the articles purported to be and were represented as foods for special dietary uses by reason of their vitamin and mineral content, and their labels failed to bear, as required by regulations, a statement of the percent by weight of the available carbohydrates in such food.

Geriatric liquid, 403(a)—when shipped, the label statement "Niacinamide * * * MDR not established" was false and misleading; 403(a)—the labeling of the article contained false and misleading representations that the article contained nutritionally significant amounts of digestive enzymes, lipotropics, betaine monohydrate, liver concentrate, yeast extract concentrate, inositol, calcium glycerophosphate, and manganese glycerophosphate for special dietary use, and that such ingredients in the article were of nutritional significance for special dietary use; and that the dietary requirements of people of older ages were different from adults generally; 403(j)—the article purported to be and was represented as food for special dietary uses by reason of its vitamin content and its label failed to bear, as required by regulations, a statement of the proportion of the minimum daily requirement for niacinamide supplied by such food when consumed in a specified quantity during a period of one day; and 403(k)—the article contained chemical preservatives, namely, methylparaben and propylparaben, and its labeling failed to state that fact.

The libel alleged also that the articles were misbranded under the provisions of the law applicable to drugs, as reported in notices of judgment on drugs and devices, No. 6943.

DISPOSITION: 6-2-61. Consent—claimed by Wm. T. Thompson Co., and destroyed.

28396. Safflor capsules. (F.D.C. No. 46462. S. No. 68-824 R.)

QUANTITY: 57 100-capsule btls., at Milwaukee, Wis., in possession of Haug Drug Co.

SHIPPED: 5-25-61, from Detroit, Mich.

LABEL IN PART: (Btl.) "Haug's Safflor Capsules Haug's Safflower Oil Each Capsule Contains * * * As a Dietary Supplement, * * * Distributed by Haug Drug Company, Milwaukee 9, Wis."

ACCOMPANYING LABELING: Booklets entitled "Haug's Price List and Therapeutic Guide"; cards entitled "Safflor Capsules—For Reducing Serum Cholesterol File

Card No. 558"; leaflets entitled "Excerpts from a Symposium on fats in human nutrition" and "What's all the Talk About Serum Cholesterol Levels and Atherosclerosis?" and additional bottle labels.

RESULTS OF INVESTIGATION: The article was shipped in bulk and repacked and labeled by the dealer. The accompanying labeling was printed locally for the dealer and was used in promoting sales of the article.

LIBELED: 9-20-61, E. Dist. Wis.

CHARGE: 403(a)—while held for sale, the labeling of the article contained false and misleading representations that the article was of significant value for special dietary supplementation as a source of linoleic and oleic acids.

The libel alleged also that the article was misbranded under the provisions of the Act relating to drugs as reported in notices of judgment on drugs and devices, No. 6883.

DISPOSITION: 10-10-61. Default—destruction.

28397. Mineralized cookies. (F.D.C. No. 45781. S. Nos. 68-595/6 R.)

QUANTITY: 42 ctns., 12 pkgs. each, at Tulsa, Okla.

SHIPPED: Between 12-22-60 and 3-3-61, from Alhambra, Calif., by El Molino Mills.

LABEL IN PART: (Display case) "El Molino Kitchens * * * Best . . . from the Land!"; (pkg. sticker label) "El Molino Kitchens mineralized Cookies"; (cardboard in bottom of pkg.) "In each 3 cookies the added Minerals and Trace elements supply the following."

ACCOMPANYING LABELING: Leaflets entitled "The Story of . . . El Molino Kitchens Mineralized Cookies."

LIBELED: 5-8-61, N. Dist. Okla.; amended libel, 7-25-61, N. Dist. Calif.

CHARGE: 402(a)(2)(C)—when shipped, the articles contained food additives, namely, iodine and boron from kelp, which were unsafe within the meaning of 409, since they and their use or intended use were not in conformity with a regulation or exemption in effect pursuant to 409; and 403(a)—the name of the articles "Mineralized cookies" and statements in the labeling contained false and misleading representations that the articles were of special benefit for special dietary use by reason of the addition of organic natural minerals, and that all such added minerals present in significant amounts for special dietary use, and the statement "Wheat Germ" prominently displayed on the label was misleading since the article was principally composed of numerous other ingredients.

The article was alleged also to be misbranded under the provisions of the law applicable to drugs as reported in notices of judgment on drugs and devices, No. 6882.

DISPOSITION: On 6-8-61, the case was transferred to the Northern District of California. On 11-3-61, a default decree of condemnation was entered and the articles destroyed.

28398. Red Rooster pills. (F.D.C. No. 46751. S. No. 42-883 T.)

QUANTITY: 26,400 tablets in a labeled bulk drum, 24,000 tablets in an unlabeled bulk drum, and 30 50-tablet btls. at Wyoming, Pa., in possession of Sanapac Co.

SHIPPED: 8-18-61, from Brooklyn, N.Y., by Manhattan Drug Co.